

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DOCKET NO. 05-10033 NG

LORI ANN MORAN, PLAINTIFF VS. ANDREW DIPASQUA, MICHAEL
SANBORN, WILLIAM F. GAY, III and the ONSET FIRE DISTRICT, DEFENDANTS

PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO FILE ADDITIONAL
SUMMARY JUDGMENT OPPOSITION MATERIALS

Statement of the Case

This case arises out of the termination by the Defendants of the Plaintiff Lori Moran from employment as a clerical assistant at the Onset Water Department on or about June 30, 2004. The Plaintiff has brought claims under the equal protection clause and due process clause of the Fourteenth Amendment.

The Defendants filed a Motion for Summary Judgment on or about April 3, 2006, and the court has granted extensions of time for the filing of the Plaintiff's opposition to the motion for summary judgment to June 2, 2006. The Plaintiff filed the opposition materials on June 2, 2006.

The Plaintiff seeks in this motion to enlarge the time for the filing of two additional documents in opposition to the motion for summary judgment. These materials are filed contemporaneously with this Motion.

ARGUMENT

I. Omitted page

The first document is page 11 of the transcript of the June 30, 2004 Onset Board of Water Commissioners meeting. The Defendants do not object to this additional filing.

II. Affidavit of James Franklin

For the reasons stated in the Affidavit of Margaret A. Ishihara filed with this

motion, the Plaintiff was not able to obtain Mr. Franklin's Affidavit until Saturday, June 3, 2006. Mr. Franklin's statement is important to an understanding of the case. Mr. Franklin overheard another water department employee, Kathi Semple, yelling and swearing at the Defendant William Gay, the Water Superintendent. The Plaintiff's contention is that Ms. Semple is a similarly situated person to the Plaintiff, and that nonetheless no disciplinary action was taken against Ms. Semple.

CONCLUSION

For the reasons stated above this Motion should be allowed.

PLAINTIFF
LORI ANN MORAN
By her Attorney

/s Margaret A. Ishihara
Margaret A. Ishihara, BBO#247930
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Date: 7 June 2006

CERTIFICATE OF CONSULTATION PURSUANT TO LOCAL RULE 7.1

I have received an e-mail message from the Defendants' attorney, John Cloherty, in response to my telephone message. Attorney Cloherty agrees to so much of the motion that requests an extension of time to file the missing page of the transcript, but he will decide after reviewing the motion whether he or not he will file an opposition to the other part of the motion which requests the extension for the filing of the Affidavit of James Franklin.

Date: 7 June 2006

/s Margaret A. Ishihara
Margaret A. Ishihara

CERTIFICATE OF SERVICE

I hereby certify that I have served the within document by mailing a copy first class mail postage pre paid to:

John J. Cloherty, III
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA. 02110
Telephone: (617) 350-0950

Date: 7 June 2006

/Margaret A. Ishihara
Margaret A. Ishihara